



Leicester
City Council

**MEETING OF THE PLANNING AND DEVELOPMENT CONTROL
COMMITTEE**

DATE: WEDNESDAY, 23 OCTOBER 2019

TIME: 5:30 pm

**PLACE: Meeting Rooms G.01 and G.02, Ground Floor,
City Hall, 115 Charles Street, Leicester, LE1 1FZ**

Members of the Committee

Councillor Riyait (Chair)

Councillor Aldred (Vice-Chair)

Councillors Gee, Halford, Joel, Khote, Rae Bhatia, Thalukdar, Valand and Whittle

One unallocated Non-Grouped place.

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

Elaine Baker

For Monitoring Officer

Officer contact:

Elaine Baker, tel: 0116 454 6355 / Aqil Sarang, tel: 0116 454 5591

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Democratic Support, Leicester City Council, City Hall, 115 Charles Street, Leicester, LE1 1FZ

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Further information

If you have any queries about any of the above or the business to be discussed, please contact:

Elaine Baker, tel: 0116 454 6355 or Aqil Sarang, tel: 0116 454 5591, Democratic Support Officers.

Alternatively, email elaine.baker@leicester.gov.uk / aqil.sarang@leicester.gov.uk, or call in at City Hall.

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PUBLIC SESSION

AGENDA

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- 1. APOLOGIES FOR ABSENCE**
- 2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed on the Agenda.

Members will be aware of the Code of Practice for Member involvement in Development Control decisions. They are also asked to declare any interest they might have in any matter on the committee agenda and/or contact with applicants, agents or third parties. The Chair, acting on advice from the Monitoring Officer, will then determine whether the interest disclosed is such to require the Member to withdraw from the committee during consideration of the relevant officer report.

Members who are not on the committee but who are attending to make representations in accordance with the Code of Practice are also required to declare any interest. The Chair, acting on advice from the Monitoring Officer, will determine whether the interest disclosed is such that the Member is not able to make representations. Members requiring guidance should contact the Monitoring Officer or the Committee's legal adviser prior to the committee meeting.

3. MINUTES OF THE PREVIOUS MEETING

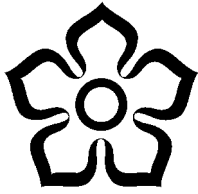
Members are asked to confirm that the minutes of the meeting of the Planning and Development Control Committee held on 7 October 2019 are a correct record.

4. PLANNING APPLICATIONS AND CONTRAVENTIONS [Appendix A](#)

The Committee is asked to consider the recommendations of the Director, Planning, Development and Transportation contained in the attached reports, within the categories identified in the index appended to the reports.

- (i) **20180801 96 JARROM STREET** [Appendix A1](#)
- (ii) **20191181 20 DANESHILL ROAD** [Appendix A2](#)
- (iii) **20191267 7-9 CHARNWOOD WALK** [Appendix A3](#)
- (iv) **20198016A 220-248 ST SAVIOURS ROAD** [Appendix A4](#)

5. ANY URGENT BUSINESS



Leicester
City Council

Wards:
See individual reports.

Planning & Development Control Committee

Date: 23rd October 2019

REPORTS ON APPLICATIONS, CONTRAVENTIONS AND APPEALS

Report of the Director, Planning and Transportation

1 Introduction

- 1.1 This is a regulatory committee with a specific responsibility to make decisions on planning applications that have not been delegated to officers and decide whether enforcement action should be taken against breaches of planning control. The reports include the relevant information needed for committee members to reach a decision.
- 1.2 There are a number of standard considerations that must be covered in reports requiring a decision. To assist committee members and to avoid duplication these are listed below, together with some general advice on planning considerations that can relate to recommendations in this report. Where specific considerations are material planning considerations they are included in the individual agenda items.

2 Planning policy and guidance

- 2.1 Planning applications must be decided in accordance with National Planning Policy, the Development Plan, principally the Core Strategy, saved policies of the City of Leicester Local Plan and any future Development Plan Documents, unless these are outweighed by other material considerations. Individual reports refer to the policies relevant to that application.

3 Sustainability and environmental impact

- 3.1 The policies of the Local Plan and the LDF Core Strategy were the subject of a Sustainability Appraisal that contained the requirements of the Strategic Environmental Assessment (SEA) Directive 2001. Other Local Development Documents will be screened for their environmental impact at the start of preparation to determine whether an SEA is required. The sustainability implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined in each report.
- 3.2 All applications for development falling within the remit of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 are screened to determine whether an environmental impact assessment is required.

- 3.3 The sustainability and environmental implications material to each recommendation, including any Environmental Statement submitted with a planning application are examined and detailed within each report.
- 3.4 Core Strategy Policy 2, addressing climate change and flood risk, sets out the planning approach to dealing with climate change. Saved Local Plan policies and adopted supplementary planning documents address specific aspects of climate change. These are included in individual reports where relevant.

4 Equalities and personal circumstances

- 4.1 Whilst there is a degree of information gathered and monitored regarding the ethnicity of applicants it is established policy not to identify individual applicants by ethnic origin, as this would be a breach of data protection and also it is not a planning consideration. Section 149 of the Equality Act 2010 provides that local authorities must, in exercising their functions, have regard to the need to:
- a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 4.2 The identity or characteristics, or economic circumstances of an applicant or intended users of a development are not normally material considerations. Where there are relevant issues, such as the provision of specialist accommodation or employment opportunities these are addressed in the individual report.

5 Crime and disorder

- 5.1 Issues of crime prevention and personal safety are material considerations in determining planning applications. Where relevant these are dealt with in individual reports.

6 Finance

- 6.1 The cost of operating the development management service, including processing applications and pursuing enforcement action, is met from the Planning service budget which includes the income expected to be generated by planning application fees.
- 6.2 Development management decisions can result in appeals to the Secretary of State or in some circumstances legal challenges that can have cost implications for the City Council. These implications can be minimised by ensuring decisions taken are always based on material and supportable planning considerations. Where there are special costs directly relevant to a recommendation these are discussed in the individual reports.
- 6.3 Under the Localism Act 2011 local finance considerations may be a material planning consideration. When this is relevant it will be discussed in the individual report.

7 Planning Obligations

- 7.1 Where impacts arise from proposed development the City Council can require developers to meet the cost of dealing with those impacts, such as increased demand for school places, through planning obligations. These must arise from the council's adopted planning policies, fairly and reasonably relate to the development and its impact and cannot be used to remedy existing inadequacies in services or facilities. The council must be able to produce evidence to justify the need for the contribution and its plans to invest them in the relevant infrastructure or service, and must have regard to the Community Infrastructure Levy Regulations 2010.
- 7.2 Planning obligations cannot make an otherwise unacceptable planning application acceptable.
- 7.3 Recommendations to secure planning obligations are included in relevant individual reports, however it should be noted however that the viability of a development can lead to obligations being waived. This will be reported upon within the report where relevant.

8 Legal

- 8.1 The recommendations in this report are made under powers contained in the Planning Acts. Specific legal implications, including the service of statutory notices, initiating prosecution proceedings and preparation of legal agreements are identified in individual reports. As appropriate, the City Barrister and Head of Standards has been consulted and his comments are incorporated in individual reports.
- 8.2 Provisions in the Human Rights Act 1998 relevant to considering planning applications are Article 8 (the right to respect for private and family life), Article 1 of the First Protocol (protection of property) and, where relevant, Article 14 (prohibition of discrimination).
- 8.3 The issue of Human Rights is a material consideration in the determination of planning applications and enforcement issues. Article 8 requires respect for private and family life and the home. Article 1 of the first protocol provides an entitlement to peaceful enjoyment of possessions. Article 14 deals with the prohibition of discrimination. It is necessary to consider whether refusing planning permission and/or taking enforcement action would interfere with the human rights of the applicant/developer/recipient. These rights are 'qualified', so committee must decide whether any interference is in accordance with planning law, has a legitimate aim and is proportionate.
- 8.4 The impact on the human rights of an applicant or other interested person must be balanced against the public interest in terms of protecting the environment and the rights of other people living in the area.
- 8.5 Case law has confirmed that the processes for determination of planning appeals by the Secretary of State are lawful and do not breach Article 6 (right to a fair trial).

9 Background Papers

Individual planning applications are available for inspection on-screen in the Customer Service Centre, Granby Street, and on line at

www.leicester.gov.uk/planning. Comments and representations on individual applications are kept on application files, which can be inspected on line in the relevant application record.

10 Consultations

Consultations with other services and external organisations are referred to in individual reports.

11 Report Author

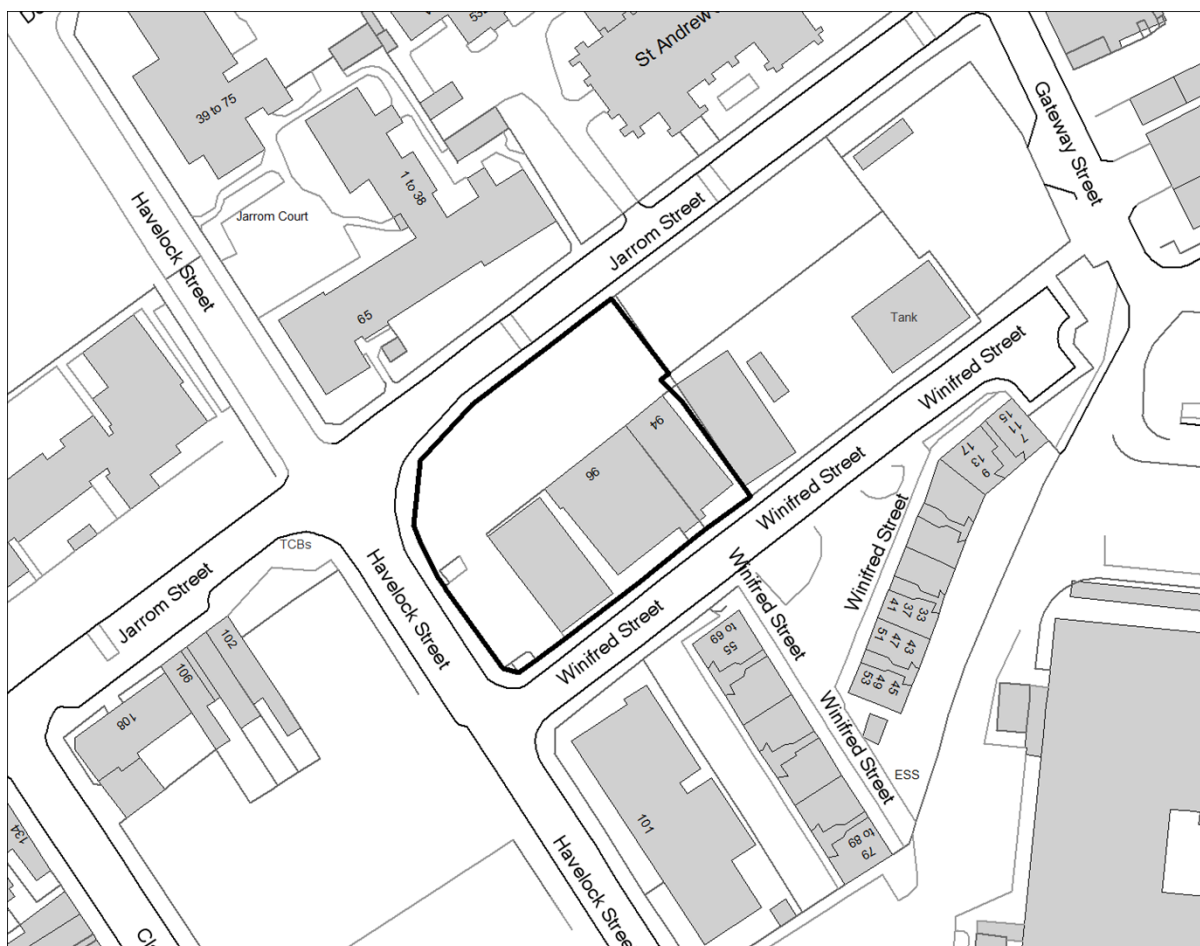
Grant Butterworth (0116) 454 5044 (internal 37 5044).

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45		20198016A	220-248 ST SAVIOURS ROAD	North Evington

Appendix A1

Recommendation: Conditional approval	
20180801	96 JARROM STREET
Proposal:	DEMOLITION OF EXISTING BUILDING; CONSTRUCTION OF FIVE AND EIGHT STOREY MIXED USE BUILDING COMPRISING OF 159 RESIDENTIAL STUDIO FLATS (CLASS C3); GROUND FLOOR UNIT FOR NURSERY/RETAIL/RESTAURANT (CLASS D1/A1/A3) (AMENDED PLANS RECEIVED) (SUBJECT TO S111/S106 AGREEMENT)
Applicant:	SMMS DEVELOPMENTS LTD
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20180801
Expiry Date:	25 October 2019
LL	WARD: Castle



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Summary

- This application is being brought to committee having been referred by Cllr Kitterick.
- Four objections have been received.

- The main considerations are the principle of development and proposed use, design and relationship with the nearby church, and residential amenity.

The Site

The site is on the south side of Jarrom Street, about 230m from the junction with Infirmary Square and Infirmary Road. The site was until recently used for a kitchen business, which has now closed. The site is roughly rectangular, about 36m north-east to south-west (Jarrom Street to Winifred Street) and 46m south-west to north-east (Havelock Street to boundary).

The site is between the campuses of the Leicester Royal Infirmary (LRI) to the south and east, and De Montfort University (DMU) to the north. Jarrom Street is used for access to the LRI main car parks, which are down Havelock Street, and also provides a route to DMU car parks on Gateway and Havelock Streets.

There is a commercial building towards the rear of the application site, which is partly two storey of brick and partly a single storey metal shed building that is roughly the same height. There are roller shutters and dropped kerbs to the rear, on Winifred Street, allowing access to interior areas. At the front of the site is a parking area, with three dropped kerb accesses to Jarrom Street.

To the north of the site is Jarrom Street, with a four-storey block of flats opposite (Jarrom Court). Next to the flats is the Grade II* listed church of St Andrew. There is a four-storey block of flats on the corner diagonally opposite the site (Queen's Court).

To the south of the site is Winifred Street. This is a narrow street, and there are three-storey blocks of flats opposite, as well as a single storey modular building related to the Infirmary.

To the immediate east of the site is a small service yard related to the Infirmary site. Beyond this and across Gateway Street is the Kensington Building of the LRI, which is 5-6 storeys tall.

To the north-east of the site, beyond the church, is a recent student development. This is of 5 storeys closest to the church, rising over a distance of to 9 storeys adjacent the main road junction.

To the west of the site the built form is primarily two storey terraced houses, although there is also a large surface level car park on Havelock Street.

There are trees within the site, just along the Jarrom Street boundary, and also within the council car park to the east.

The site is within the Strategic Regeneration Area, the City Centre, and a Critical Drainage Area. The site is partly within a Final Hotspot for drainage.

Background

Pre-application discussions were held about development on this site. The application site is partly in the ownership of the applicant, and partly in city council ownership.

The Proposal

The proposal is to demolish the existing building and to construct a 5 to 8 storey block of 159 flats, including a small commercial unit at ground floor. The flats would all be studio flats, varying in size from 25 sq m to 42.4 sq m, with communal facilities including laundry, lounges, a roof garden and cycle store.

The building would cover the rear half of the site, closest to Winifred Street, at 8 storeys, and there would be a five storey front wing projecting towards Jarrom Street on the side of the site away from the junction.

The scheme when first submitted was nine storeys tall, across the southern/rear half of the site. At that time it would have provided 180 studios all at 25 sq m. Following discussions aimed at increasing the sizes of flats the building proposal was increased to eleven storeys. Following further discussions the current proposal was submitted.

The applicant is understood to be working with University Hospitals of Leicester, who have supplied a letter setting out their requirement for accommodation for staff and also for the relatives of patients.

Policy Considerations

National Planning Policy Framework (NPPF)

Paragraph 11 – the presumption in favour of sustainable development

Paragraph 56 – the tests for planning obligations must be met

Paragraph 57 - viability

Section 5 – Delivering a sufficient supply of homes

Section 7 – Ensuring the vitality of town centres

Paragraph 96 – Access to open spaces

Paragraph 110 – priority within development to pedestrian and cycle movement and to support sustainable travel

Paragraph 111 – travel plan

Section 11 – Making effective use of land

Section 12 – Achieving well-designed places

Paragraph 149 – Planning for climate change

Paragraph 170 – secure net gains for biodiversity

Paragraph 178 – pollution

Section 16 – Conserving and enhancing the historic environment

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

The most relevant Core Strategy and Local Plan policies are H07, AM01, CS02, CS03, CS06 and CS18.

Supplementary Planning Documents (SPD)

Residential Amenity SPD 2008

Other legal or policy context

The Nationally Described Space Standard (NDSS) sets out minimum space standards for dwellings, although it is not explicit as to whether studio flats are included. This standard is not mandatory, and has to be adopted into the local plan before a planning authority can insist on its standard being met.

Leicester City Council has not adopted this standard, however this is being considered as part of the current local plan process.

Community Infrastructure Levy Regulations 2010.

Consultations

Local Highway Authority

No objection, but conditions recommended and a request for footways to be widened.

Lead Local Flood Authority

No objection, although further information is required. Condition recommended.

Better Buildings (Sustainability and Energy Efficiency)

No objection subject to condition.

Pollution Control – Noise

No objection provided that all rooms have protection from noise and confirmation of satisfactory ventilation strategy.

Pollution Control – Land

A condition is recommended, as the submitted ground conditions report recommends further investigation.

Trees and Woodlands

No objection to removal of trees.

Waste Management

No objection.

Conservation Advisory Panel

Initially objected, however following revisions are content subject to a concern relating to the blank gable ends. (*Officers note: addressed*)

Housing

Affordable Housing contribution sought in accordance with policy CS07. This policy requires a 15% contribution in this area.

Neighbourhood and Environmental Services

Contribution of £147,473 sought for open space enhancements and outdoor sports space improvements

Representations

Four objections were received to the scheme before it was revised. These relate to:

- A nine storey building would be higher than any other in the area and would overshadow the church and its related buildings. Proposal to increase the height further increases our objection
- Height should be reduced to seven storeys
- The accommodation is below the government's space standard. Units of 25 sq m do not offer the kind of decent accommodation that key workers should have. The council should include this in the local planning guidance
- Cllr Kitterick has objected on the grounds that the development does not comply with the NDSS.

Consideration

Principle of development

The site is within the city centre, and the Strategic Regeneration Area (SRA). Although the main DMU campus is 100m to the north, and the LRI is 40-50m to the south and east, the primary use around the junction and to the west is residential, including student residences.

Policy CS1 supports residential development within the SRA and Policy CS4 (SRA) supports high quality residential neighbourhoods with access to a range of facilities.

Policy CS12 (City Centre) supports residential development where an acceptable living environment can be maintained or created.

The site is well related to existing residential areas, and also to a variety of services and facilities including bus services just over 200m away, and safe walking and cycling routes to and beyond the city centre.

In principle, the site is suitable for residential use to support the hospital's needs.

The proposed ground floor commercial unit is proposed for use classes D1/A1/A3. This could be, for example, a nursery, shop or restaurant/café. This area is within the

city centre and the strategic regeneration area where mixed use development is supported. The proposed 89.4 sq m of commercial use is considered acceptable, subject to consideration of residential amenity (see below).

Policy H03 sets out minimum densities, and in this area expects a density of 50 dwellings per hectare (dph). This proposal would provide a density of about 1,000 dph. This is considered to be an efficient use of land.

I consider that the development is acceptable in principle, subject to considerations set out below.

Design

The design has changed during the application process, and the proposal now is for a building of two main elements. An eight storey element, with the top storey set back, would be along Winifred Street at the rear of the site. The front wing would be of five storeys, and this would project from the rear element creating an L-shaped building.

The design is contemporary, with a mixture of brick, render and cladding to the exterior, and regular fenestration with a vertical emphasis. Elements to the front which would be otherwise blank would be treated with textured brickwork to ensure a lively frontage.

Most of the larger flats would have balconies, and these would form part of the overall pattern of the elevations. The design of the railings and proportion of the balconies is appropriate, subject to details of materials.

The design is now considered acceptable and I recommend a condition to secure details of materials, and a brick sample panel, prior to the commencement of works above ground level.

Subject to conditions being addressed satisfactorily, the development will be in accordance with policies CS03 and CS18.

Heritage Assets

The site is not within a Conservation Area, although there are listed buildings in the vicinity. The site is located close to two nationally listed buildings on Jarrom Street, the Grade II* Listed Church of St Andrew's and the Grade II Listed Vicarage. The Church of St Andrew together with the attached former school room is one of only 35 Grade II* Listed Buildings in the entire city.

Initially, the proposed residential block was of nine storeys throughout and was significantly out of scale with neighbouring development, which is predominantly a mixture of one to four storeys buildings. A building of this scale would dominate the townscape and impact a number of key views of the listed buildings. Subsequent amendments saw the height increased to eleven storeys, which exacerbated its harmful impact.

As subsequently amended and now proposed, the development has been reduced in height, rising to a maximum of eight storeys with a lowered five storey element to Jarrom Street. The lowered front wing and the set back upper floor to the taller element help to reduce the visual impact of the development. This is to the benefit of the setting of the adjacent Grade II* and Grade II Listed buildings, reducing the visual impact of

the structure as viewed from along Jarrom Street and Deacon Street. The break up of massing and reduction of total height produce a more suitable, less monolithic design. Despite the increased footprint of the latest amendment, the lowered element would reduce the dominance of the development, especially when viewed from the east.

The quality of materials and detailing will be fundamental to ensuring the scheme has a positive effect on the locality and the setting of the listed buildings; a condition is recommended to secure this detail.

The site is in an area with known archaeological potential, as set out in the Desk Based Assessment provided with the application. I therefore recommend a condition to secure further work to ensure that below ground heritage assets are appropriately investigated and secured/recorded.

Subject to the conditions being appropriately addressed, the proposal would comply with policy CS18.

Living conditions

The proposed flats would all be single aspect, and vary in size from 25 sq m to 42.4 sq m. The breakdown is:

80 flats at 25 sq m

4 flats at 31.2 sq m

69 flats at 38.5 sq m

6 flats at 42.4 sq m.

Policy H07 sets out criteria for new build flats, one of which is “the creation of a satisfactory living environment”. I consider that, as these flats would be purpose built with well designed and built-in storage, and with shared facilities and a good provision of noise insulation, daylight, outlook and privacy, the smaller units could not reasonably be refused. The applicant has provided a plan showing that the 25 sq m units could be converted to larger one-bedroom flats in the future, but this is not required as part of the consideration of this proposal.

I consider that the other criteria of Policy H07 are met.

Two areas of communal living room space are shown. One would be at fifth floor level, and would open on to the roof terrace. The other would be on the ground floor. A shared laundry would be provided in the basement, with lift access so that all residents could use it.

it is understood that the building would be used by UHL to support the functions of the local hospitals, especially LRI, and has been designed on that basis, however I consider that the building, and the standard of accommodation offered, would be acceptable in planning terms (in the context of currently adopted policy) for general residential use regardless of this.

The area around the site can be noisy, and so acoustic protection with suitable ventilation would be required to the flats. Protection from noise has to be considered alongside the provision of ventilation and protection from heat, as part of the mitigation of climate change requirements. The applicant has confirmed that all flats will have mechanical ventilation with heat recovery, capable of providing at least four air

changes per hour (which will allow for purge ventilation). Full details will be required by condition.

Some of the ground floor flats would be very close to the site boundary. There would be four ground floor flats to Winifred Street. These flats would have a small private open space buffer to the street by way of a terrace between the window and the footway, with a wall and railings boundary. This would provide some privacy, and the application drawings show that there would be a typical height of 1.7m between footway level and the top of the terrace railings. Details of the boundary treatment should be carefully considered to discourage climbing from the street without creating a “fortress” appearance, and so I include a requirement for this detail to be provided by condition. I anticipate that this might mean a railing designed without footholds, attached to the outside edge of the wall, rather than anything more obviously defensive.

The boundary height is likely to minimise impact on privacy, and as Winifred Street is quiet I do not consider that these flats, in the context of the overall quality of the proposed development, are unacceptable.

Two of the ground floor flats would be to the side of the site, 2-3m from the boundary with the LRI service yard to the east. These flats would have a restricted outlook due to the large tank alongside which would be about 4m away. Flats above with the same orientation would not suffer this restricted outlook as views would be over the tank. Although this restriction is less than ideal, in the context of the development overall I consider that this restriction to two units is acceptable.

Residents of these units will have access to the communal areas which will partially mitigate the in-room restriction.

Other ground floor units would have views to the street and to the site frontage. The boundary treatment proposed here is 1m railings, however the relationship with the street is not uncommon and again residents will have access to the communal spaces.

The proposal appears to be capable of meeting the accessibility requirements of Part M4(2) of the Building Regulations (accessible and adaptable dwellings) and I recommend a condition to ensure that the building is constructed to this standard. The applicant has indicated that 11 of the ground floor units would be built to category M4(3), wheelchair user dwellings, which is welcomed, but I do not consider that it is necessary to control this.

I recommend a condition requiring a management plan to ensure that matters such as security, refuse storage, and the relationship between the residential and commercial uses, are managed suitably.

Subject to conditions being satisfactorily addressed, I consider that the proposal is acceptable in respect of living conditions for occupiers, and in accordance with policies H07, PS10 and CS06.

Residential amenity

Nearby residents most likely to be affected would be in the flats to the north-west and south. The separation distances would be a minimum of 16m across the street to the flats to the north-west, Jarrom Court, and 26m to the nearest facing windows on the

flats to the south, although it would be only about 12m to a blank gable wall to the south.

There would be some increase in shading to the flats in Jarrom Court, this would be in the morning and in winter and would not affect all of the flats. A front to front separation distance of 16m is not unusual in city centre areas, and the outlook from those flats would still be open. Daylight would not be restricted. There are existing trees on the street outside the flats opposite, and although the trees within the site that are along the south side of the street would be removed, there would be replacement planting along the front boundary.

I do not consider that the proposed building would cause unacceptable impact on occupants of the flats to the north.

The proposed roof terrace would give views at 5th floor level towards the flats at Jarrom Court. I have included a requirement for screening within the recommended landscaping condition, to avoid direct overlooking or the perception thereof.

Use of the site for residential purposes and a small amount of commercial use might increase the comings and goings in the immediate area, but I do not consider that this would be harmful in the overall context of the site. The development would relate closely to the hospital campus which operates at all hours. I do however recommend a condition to control the opening hours of the commercial unit, to ensure that there is no late-night disturbance within the same building as the flats. I consider that allowing opening from 0700 to 2100 (9pm) will enable use as a nursery or health care facility, or shop, or as a café or daytime restaurant, but not as a late night facility. The unit would be small and unlikely to attract other D1 uses such as education, place of worship or assembly hall. I do not consider it necessary to impose any noise conditions on the commercial unit as the proposed uses are not inherently noisy, although I do recommend that management of the commercial unit is included in the site management plan. This will ensure that matters such as its refuse storage is considered.

The application does not propose a ventilation flue, which would be required if a restaurant occupied the unit. I therefore propose a condition requiring details of a flue prior to this unit being used for any use including cooking.

Subject to these conditions, I consider that the proposed development would not have any unacceptably harmful impact on the amenity of nearby residents. The proposal would therefore be in accordance with Policy PS10.

Waste storage and collection

The development would include a main refuse bin store alongside Winifred Street with a small section for the commercial refuse. The proposed stores would be large enough, and each would have double doors to the street frontage. There is space between the footway and the building which would allow manoeuvring of bins. A dropped kerb would be required to allow the bins to be taken to the refuse collection vehicle. This is not shown on the plans, so I recommend conditions to secure both the dropped kerb and the provision and retention of the bin store.

This will ensure compliance with the relevant provisions of policy H07.

Highways and Parking

The proposal includes 2 car parking spaces, and 100 cycle parking spaces. The car parking spaces would be accessible and it is not intended that general car parking is available. The location has public car parking available nearby, and there are nearby public bus services including the Hospital Hopper.

The location is sustainable, with access to the city centre, and very close to both the LRI and DMU. I consider that the lack of car parking provision would be acceptable.

The cycle parking would be within the basement, and the plans show a staircase to the basement with a cycle ramp. This is not ideal, and the applicant has confirmed that there would be space for a lift large enough for cycles to be accommodated. I therefore recommend a condition to secure non-stepped access to the cycle store as well as provision and retention of the cycle parking.

The LHA has asked that footways around the site are widened to 2-3m. A dimensioned plan from the applicant shows that the footways generally meet this requirement already. Including land within the site boundary, which would be treated in some locations to form part of the public realm, there would be 3.5m in front of the entrance to the commercial unit and 4.9m in front of the service doors (including bin and cycle stores). The existing footway along the site on Winifred Street is about 2m, and there are four sections of dropped kerb included in this. It is likely that pedestrians use the other footway, and as this is a quiet road I consider that the overall arrangement would not cause a highway safety concern.

Footways to Jarrom Street are generally about 2m wide already.

Subject to satisfactory compliance with conditions, the proposal would be in accordance with policies AM01, AM02 and AM12.

Sustainable Energy

The applicant is proposing high efficiency gas boilers for hot water and heat. Photo voltaic panels are proposed to the roof, and a fabric to the building which exceeds Building Regulations standards for insulation.

Although the building could not be connected to district heating at the moment, the basement layout shows an area that could be used to facilitate such a connection in the future.

I recommend a condition to secure further details, and implementation, of these features.

In addition, as mentioned above, ventilation arrangements need to ensure that the building can be occupied comfortably at all seasons. Mechanical ventilation with heat recovery will be used. This will enable overnight cooling in hot weather, and recovery of heat from stale air in the colder weather.

I consider that these measures would ensure compliance with the relevant sections of policy CS02.

Contamination

The site has previously been in commercial use. A ground conditions desk top report has been submitted, and this report concludes that further investigation will be required. I therefore recommend a condition to secure this to ensure compliance with the relevant sections of policy PS11.

Drainage

Some information of a sustainable drainage system has been provided, but not sufficient to be approvable at this stage. I therefore recommend a condition to secure full details prior to the commencement of development.

This will ensure compliance with the relevant sections of Policy CS02.

Nature conservation/Trees/landscaping

There are trees along the front of the site, and immediately to the east which overhang the site, and which are proposed for removal as part of the development. There is no objection to the removal, although there is not likely to be sufficient space on the site to secure replacement planting to the same level.

A scheme of landscaping will be required as part of the development and this should include biodiversity enhancements such as a brown roof suitable for Black Redstarts, and additional planting along the front of the building. As the development will include a roof terrace at fifth floor level biodiversity enhancements can also be provided here. Boxes for bats and birds should also be provided in suitable places on the building.

As the site is currently vacant, and given the nature of the buildings and trees to be removed, and taking into account that the ecology survey is out of date, I recommend a condition to secure a further site inspection for protected species prior to any demolition or removal of trees.

I recommend a condition to secure a scheme of landscaping and biodiversity enhancements. This will ensure that the development is in accordance with the relevant provision of policies CS17.

Viability and Developer Contributions

The proposed residential development, within the Castle ward, will result in a net increase in the number of residents within an area which already exhibits a deficiency in green space. Opportunities to create new open space to address the needs of the new residents are severely limited and therefore we will be looking to make quality improvements to existing green space provision to minimise the impact of this development.

Based on the formula from the Green Space SPD a contribution of £147,473 is required.

The contribution would be used to fund refurbishment and enhancement works as follows:

- landscaping at Castle Gardens
- outdoor sports/activity spaces at Victoria Park.

An affordable housing contribution of 15% has also been requested.

Both of these requests are in accordance with policy.

A viability appraisal has been provided. The development does not meet the viability thresholds within the NPPF, nevertheless the applicant has agreed to make a contribution of £50,000. This contribution, based on the breakdown in the request received, would be made as follows:

£23,500 landscaping improvements at Castle Gardens

£26,500 outdoor sports/activity spaces at Victoria Park.

The applicant is contracted to purchase part of the development site from its current owners (the City Council). As such, the applicant cannot legally enter into the section 106 agreement at present. An agreement pursuant to section 111 of the Local Government Act 1972 (as amended) is therefore required which will require the developer to enter into the section 106 agreement simultaneously with the purchase of the development site.

The Council has given due consideration to the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) (to the extent relevant to the obligations required as set out in this report) and the advice set out at paragraph 204 of the National Planning Policy Framework and considers that the required obligations are:

- (i) Necessary to make the development acceptable in planning terms;
- (ii) Directly related to the development; and
- (iii) Fairly and reasonably related in scale and kind to the development.

Subject to securing a satisfactory agreement, the proposal would be in accordance with policy CS19.

Conclusion

The proposed flats would provide suitable living accommodation, without causing harm to the amenities of existing residents in the area.

The accommodation would be a sustainable development and would contribute towards meeting the city's housing need

The design is considered appropriate to the site and would not cause harm to the setting of nearby listed buildings.

Suitable drainage, landscaping and mitigation of land and noise pollution can be provided.

The lack of an affordable housing contribution, and the limited green space contribution, are acceptable on viability grounds.

I recommend that this application is APPROVED subject to conditions and the prior completion of a s111 agreement to secure a s106 obligation.

CONDITIONS

1. The development shall be begun within three years from the date of this permission. (To comply with Section 91 of the Town & Country Planning Act 1990.)
2. (A) No demolition or development shall take place or commence until a programme of archaeological work and a Written Scheme of Investigation in respect of an archaeological evaluation has been submitted to and approved in writing by the City Council as the local planning authority. The scheme shall include an assessment of significance and research questions; and:
 - (1) the programme and methodology of site investigation and recording;
 - (2) the programme for post-investigation assessment;
 - (3) provision to be made for analysis of the site investigation and recording;
 - (4) provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - (5) provision to be made for archive deposition of the analysis and records of the site investigation;
 - (6) nomination of a competent person or persons or organisation to undertake the works set out within the Written Scheme of Investigation.(B) No demolition or development shall take place other than in accordance with the Written Scheme of Investigation approved under (A) above.
(C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) above, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured, unless agreed in writing with City Council as local planning authority.
(To ensure that any heritage assets that will be wholly or partly lost as a result of the development are recorded and that the understanding of their significance is advanced; and in accordance with Core Strategy policy CS18. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
3. Prior to the commencement of development full details of the Sustainable Drainage System (SuDS) together with implementation, long term maintenance and management of the system shall be submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the system has been completed in accordance with the approved details. It shall thereafter be managed and maintained in accordance with the approved details. Those details shall include:
 - (i) full design details,
 - (ii) a timetable for its implementation, and
 - (iii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the system throughout its lifetime.(To reduce surface water runoff and to secure other related benefits in accordance with policy CS02 of the Core Strategy. To ensure that the details

are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

4. No development shall take place, including demolition and the removal of trees, until the site has been inspected by a suitably qualified ecologist for the presence of protected species and a report demonstrating presence or absence has been submitted to the local planning authority. Should any protected species be found on the site, development shall not commence until a scheme of mitigation has been submitted to and approved in writing by the city council as local planning authority. Development, including demolition and removal of trees, shall thereafter be carried out in accordance with the approved mitigation. (In the interests of biodiversity and in accordance with policy CS17 of the Core Strategy. In order to ensure that no harm is caused during demolition, this is a PRE-COMMENCEMENT condition.).

5. No development shall be carried out until the site has been investigated for the presence of land contamination, and a Site Investigation Report incorporating a risk assessment and, if required, scheme of remedial works to render the site suitable and safe for the development, has been submitted to and approved by the City Council as local planning authority. The approved remediation scheme shall be implemented and a completion report shall be submitted to and approved in writing by the City Council as local planning authority before any part of the development is occupied. Any parts of the site where contamination was previously unidentified and found during the development process shall be subject to remediation works carried out and approved in writing by the City Council as local planning authority prior to the occupation of the development. The report of the findings shall include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to: human health, property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, adjoining land, ground waters and surface waters, ecological systems, archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This shall be conducted in accordance with DEFRA and the Environment Agency's "Model Procedures for the Management of Land Contamination, CLR 11".(To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy PS11 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

6. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the City Council as local planning authority. The approved Statement shall be adhered to throughout the demolition and construction period. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;

- (ii) the loading and unloading of plant and materials;
- (iii) the storage of plant and materials used in constructing the development;
- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

(To ensure the satisfactory development of the site, and in accordance with policies AM01 and UD06 of the City of Leicester Local Plan and Core Strategy policy CS03. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).

7. Prior to any development being carried out above ground level, details of the materials to be used for the external parts of the development shall be submitted to and approved in writing by the City Council as local planning authority. Details of the following materials shall be provided.
 - (i) Walling materials including bricks, cladding, reconstituted stone and render;
 - (ii) roofing materials;
 - (iii) window and door frames including sections through the windows/doors and their reveals;
 - (iv) louvres, balustrades and coping;
 - (v) a 1 square metre sample panel of brickwork showing the flat brickwork and the textured detail panel, mortar and pointing.

Development shall be carried out in accordance with the approved details.
(In the interests of visual amenity, and in accordance with Core Strategy policy CS03).

8. No development above ground level shall take place until details of the following energy efficiency measures have been submitted to and approved in writing by the City Council as local planning authority. Development shall be carried out in accordance with the approved details. No part of the development shall be occupied until evidence demonstrating satisfactory operation of the approved photo voltaic scheme, and evidence of compliance with points (i) (iii) and (iv), has been submitted to and approved in writing by the City Council.
 - (i) Confirmation of basement provision for possible future district heating system connection;
 - (ii) roof-top photo voltaic panels;
 - (iii) construction details to achieve improvements in building efficiency equivalent to those contained within the Sustainability Statement revision C;
 - (iv) mechanical ventilation with heat recovery.

(In the interests of securing energy efficiency in accordance with Policy CS02 of the Core Strategy).

9. No part of the development shall be occupied until cycle parking, including step-free access thereto, has been provided in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The cycle parking and access shall be retained thereafter and made available to occupants of the development for the storage of cycles. (In the

interests of the satisfactory development of the site and in accordance with policies AM02 and H07 of the City of Leicester Local Plan).

10. Before the development authorised by this permission is occupied, and notwithstanding the approved plans, a detailed landscaping scheme showing the treatment of all parts of the site, and including biodiversity enhancements, shall be implemented in accordance with details that have previously been submitted to and approved in writing by the City Council as local planning authority. This scheme shall include details of:
 - (i) the position and spread of all existing trees, shrubs and hedges to be retained or removed;
 - (ii) new tree and shrub planting, including plant type, size, quantities and locations;
 - (iii) construction, planting and maintenance details of the brown roof;
 - (iv) construction, planting and maintenance of the roof terrace;
 - (v) screening to the north-west side of the roof terrace;
 - (vi) biodiversity enhancement including bird boxes and bat boxes;
 - (vii) means of planting, staking, and tying of trees, including tree guards;
 - (viii) other surface treatments;
 - (ix) fencing and boundary treatments including details of non-climb treatments to ground floor flats;
 - (x) any changes in levels;
 - (xi) the position and depth of service and/or drainage runs (which may affect tree roots).The approved landscaping scheme shall be carried out prior to occupation for hard landscaping, wildlife boxes and for planting above ground level, and within one year of occupation of the development for soft landscaping at ground level. For a period of not less than five years from the date of planting, the applicant or owners of the land shall maintain all planted material. This material shall be replaced if it dies, is removed or becomes seriously diseased. The replacement planting shall be completed in the next planting season in accordance with the approved landscaping scheme. (In the interests of amenity and biodiversity, and in accordance with policy UD06 of the City of Leicester Local Plan and Core Strategy policies CS03 and CS17).
11. The flats and the associated parking and approach and communal areas shall be constructed in accordance with 'Category 2: Accessible and adaptable dwellings M4 (2) Optional Requirement'. On completion of the scheme and prior to the occupation of the first occupation of any of the flats a completion certificate signed by the relevant inspecting Building Control Body shall be submitted to the City Council as local planning authority certifying compliance with the above standard. (To ensure the dwelling is adaptable enough to match lifetime's changing needs in accordance with Core Strategy policy CS06).
12. Prior to any above-ground development, details of an insulation scheme to prevent the transmission of noise into the flats within the development shall be submitted to and approved in writing by the City Council as local planning authority. The scheme shall include mechanical ventilation to the flats including purge ventilation achieving four air changes per hour, and shall not require that windows are fixed shut. The flats shall not be occupied until the approved

scheme has been installed and is operational. The insulation and ventilation shall be retained thereafter. (In the interests of the amenities of occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan).

13. The development shall at all times be managed and operated in accordance with a Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to occupation of any of the flats. The Management Plan shall set out details of:
 - (i) how servicing and deliveries will be managed;
 - (ii) the security of the development and its occupiers;
 - (iii) refuse bin storage and collection arrangements;
 - (iv) management of commercial unit to avoid harmful impact on residents;
 - (v) maintenance of the external areas of the site;
 - (vi) contact details for the managing agent, any changes to be advised to the local planning authority within four weeks of such change coming into effect.If it is proposed that the above management arrangements change, then an Amended Plan shall be submitted to the local planning authority for approval in writing no less than two months before the date of the proposed change. The proposed change shall not occur until an Amended Plan has been approved, and the development shall thereafter be managed and operated in accordance with the amended Plan. (To ensure that the development is properly managed in the interests of the safety, security and amenity of its occupiers in accordance with the aims of Core Strategy policies CS03, CS06 and CS15 and policy PS10 of the City of Leicester local plan).
14. The commercial unit shall not be open to the public outside the hours of 0700 to 2100 daily. (In the interests of the amenities of nearby residents, and in accordance with policy PS10 of the City of Leicester Local Plan.)
15. Before the occupation of the development the parking spaces shown on the approved plans shall be provided and shall be retained for vehicle parking in connection with occupation of the development. (To secure adequate off-street parking provision, and in accordance with policy AM12 of the City of Leicester Local Plan).
16. Prior to occupation of the development the refuse bin stores shall be completed and made available for use by occupants of the development. The stores shall be retained thereafter for the approved use. (In order to ensure adequate facilities for the storage, segregation and collection of refuse and in accordance with policy H07 of the City of Leicester local plan).
17. No part of the development shall be occupied until a satisfactory dropped kerb and ramp has been provided in the footway adjacent the bin store. (For the safety and convenience of refuse collection; and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)
18. No part of the development shall be occupied until any redundant footway crossings and/or damaged or altered areas of footway or other highway have been satisfactorily reinstated. (For the safety and convenience of pedestrians

and other road users, and in accordance with policy AM01 of the City of Leicester Local Plan and Core Strategy policy CS03.)

19. Prior to the commercial unit being brought into any use that requires cooking on the premises, details of a suitable ventilation and extraction system, including maintenance arrangements, shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed and operational prior to the use commencing, and shall be retained and maintained thereafter in accordance with the approved details. (In the interests of the amenities of nearby occupiers, and in accordance with policies PS10 and PS11 of the City of Leicester Local Plan.)
20. This consent shall relate solely to the following submitted plans received by the City Council as local planning authority.
Site and ground floor plan P2-02 revision N received 2/10/2019
Upper floor plans 1st-4th floor P2-03 revision F received 30/09/2019
Upper floor plans 5th floor P2-04 revision F received 30/09/2019
Upper floor plans 6th floor P2-04-1 revision B received 30/09/2019
Upper floor plans 7th floor P2-04-2 revision B received 30/09/2019
Roof plan P2-04-3 revision B received 30/09/2019
Basement plan P2-04-4 revision A received 30/09/2019
Elevations front and side P2-05 revision G received 30/09/2019
Elevations rear and side P2-06 revision G received 30/09/2019
Boundary treatment P2-14 revision C received 2/10/2019.
(For the avoidance of doubt.)

NOTES FOR APPLICANT

1. The City Council as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. This planning application has been the subject of positive and proactive discussions with the applicant during the process.
The decision to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019 is considered to be a positive outcome of these discussions.
2. In respect of conditions 17 and 18, which require work within the Highway, the works will be considered satisfactory if they have been agreed with and approved in writing by the Local Highway Authority.
3. To meet condition 11: All those delivering the scheme (including agents and contractors) should be alerted to this condition, and understand the detailed provisions of Category 2, M4(2). The Building Control Body for this scheme must be informed at the earliest opportunity that the units stated are to be to Category 2 M4(2) requirements. Any application to discharge this condition will only be considered if accompanied by a building regulations completion certificate/s as stated above.

4. No consent is granted or implied for any signage on the commercial unit, for which a separate application for advertisement consent may be necessary.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_BE10 In developments involving a new shopfront, the design should be an integral part of the whole building and should be in proportion to the lines of the facade of which it forms a part.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_H03 Provides guidance on minimum net densities to be sought for residential development sites according to location.
- 2006_H07 Criteria for the development of new flats and the conversion of existing buildings to self-contained flats.
- 2006_UD06 New development should not impinge upon landscape features that have amenity value whether they are within or outside the site unless it can meet criteria.
- 2014_CS01 The overall objective of the Core Strategy is to ensure that Leicester develops as a sustainable city, with an improved quality of life for all its citizens. The policy includes guidelines for the location of housing and other development.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS04 The Strategic Regeneration Area will be the focus of major housing development and physical change to provide the impetus for economic, environmental and social investment and provide benefits for existing

communities. New development must be comprehensive and co-ordinated. The policy gives detailed requirements for various parts of the Area.

- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS07 New residential development should contribute to the creation and enhancement of sustainable mixed communities through the provision of affordable housing. The policy sets out the broad requirements for affordable housing.
- 2014_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 2014_CS12 In recognition of the City Centre's role in the City's economy and wider regeneration, the policy sets out strategies and measures to promote its growth as a sub-regional shopping, leisure, historic and cultural destination, and the most accessible and sustainable location for main town centre uses.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS17 The policy sets out measures to require new development to maintain, enhance and strengthen connections for wildlife, both within and beyond the identified biodiversity network.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.
- 2014_CS19 New development must be supported by the required infrastructure at the appropriate stage. Developer contributions will be sought where needs arise as a result of the development either individually or collectively.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.

Appendix A2

Recommendation: Refusal	
20191181	20 DANESHILL ROAD
Proposal:	CHANGE OF USE FROM HOUSE (CLASS C3) TO HOUSE IN MULTIPLE OCCUPATION (8 BEDROOMS) (SUI GENERIS) AND RETROSPECTIVE APPLICATION FOR DEMOLITION OF OUTBUILDING; ALTERATIONS
Applicant:	MR AMARDIP BRAR
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20191181
Expiry Date:	20 September 2019
TB	WARD: Westcotes



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Summary

- Brought to Committee to consider issues around such a change of use.
- Three objections were received concerning the number of houses in multiple occupation and flats on the road, parking, waste storage, residential amenity and living conditions.
- The main considerations are the principle of the development, residential amenity, living conditions, waste storage and collection and parking and highways.
- The application is recommended for refusal.

The Site

The application relates to a five-bedroom mid-terrace dwellinghouse located within a residential area, Critical Drainage Area and the West End Conservation Area covered by the Daneshill Article 4 Direction. The house is part of a late Victorian terrace, of architectural and historic merit. Attached to the east of the site is 18 Daneshill House, a former house in multiple occupation that has been converted to four flats (4 x 1 bed). Attached to the west of the site is 22 Daneshill Road, a former dwellinghouse that has been converted to six flats (5 x 1 bed, 1 x 2 bed). The site is located outside of the nearby area covered by the Article 4 Direction that removes permitted development for a change of use from a dwellinghouse (Class C3) to a house in multiple occupation (Class C4).

Background

19900464 - Single storey dining room w.c. and shower room rear extension. Conditional approval was granted in 1990, implemented and is present on site.

The Proposal

This planning application seeks approval for the change of use of a single household dwellinghouse (Class C3) to a house in multiple occupation for 8 bedrooms (sui generis) for 8 people. A floor space schedule has been submitted with the application alongside a bike store and bin storage area to the rear yard on a proposed site plan. There was an outbuilding within the rear garden which appears to have been present on site since at least 2008. The rear outbuilding had already been removed. No other external alterations are proposed.

The submitted Planning Statement notes that the proposal will provide living accommodation to students of De Montfort University. Leicester City Council's *Guidance on kitchens and kitchen facilities in HMOs* has also been submitted as a supporting document with the application.

Policy Considerations

National Planning Policy Framework (NPPF) 2019

Paragraph 2 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions

Paragraph 11 contains a presumption in favour of sustainable development. For decision taking, this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in the Framework that protect areas or assets of particular importance (including designated assets such as conservation areas) provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole. Leicester City Council does not currently have a 5-year housing land supply, therefore paragraph 11 is engaged. Paragraphs 59 to 79 sets out the housing policies of the NPPF.

Paragraph 59 places an emphasis on the importance of a sufficient amount and variety of land to come forward where it is needed and that the needs of groups with specific housing requirements are addressed.

Paragraph 61 states within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).

Paragraph 92 states that policies and decisions should guard against the unnecessary loss of valued facilities and services.

In making an assessment paragraph 108 states that development proposals should take up appropriate opportunities to promote sustainable transport modes; ensure safe and suitable access can be achieved for all users and; any significant impact (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Paragraph 109 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 110 requires applications for development to give priority to pedestrians and cycle movements; address the needs of people with disabilities and reduced mobility; create places that are safe, secure and attractive; allow for the efficient delivery of goods and; be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Paragraph 122 places an emphasis on local planning authorities to support development that makes efficient use of land. It requires decision makers to take into account issues such as the need for different types of housing, including the availability of land suitable for accommodating; local market conditions and viability; the availability and capacity of infrastructure and services, including the potential for further improvement; the desirability of maintaining an area's prevailing character and setting (including residential gardens) and; the importance of securing well-designed, attractive and healthy places.

Part 12 of the NPPF focuses on requiring good design. Paragraph 124 describes good design as a key aspect of sustainable development.

Paragraph 127 sets out criteria for assessing planning applications and requires decision makers to ensure that development proposals:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁴⁶; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 190 - Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraph 191 - Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.

Paragraph 192 – desirability to sustain & enhance significance of Heritage Assets

Paragraph 193 – great weight should be given to asset's conservation

Paragraph 194 - Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 196 - Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 200 – LPAs should look for new development to preserve or enhance significance of Heritage Assets.

Paragraph 201 - Not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 195 or less than substantial harm under paragraph 196, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area as a whole.

Paragraph 202 - Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

Development plan policies

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents (SPD)

Residential Amenity SPD (2008)

Other legal or policy context

Appendix 01 Parking Standards of The City of Leicester Local Plan (2006)

Leicester & Leicestershire Housing and Economic Development Needs Assessment (2017) (HEDNA)

Relevant is the statutory duty of section 72(1) of the Planning (Listed buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

West End Conservation Area Character Appraisal (2015)

Consultations

Traffic and Travel Planning - The existing property has no off-street car parking, and none can be provided, therefore all car parking associated with the proposal would be on-street. The site is located on a cul de sac, where car parking would already appear to cause problems. Very few of the existing properties have off-street car parking facilities and as a result car parking takes place within the highway, including within the turning area and on the footways. They raise concerns about any proposal that would lead to an increase in demand for on-street parking to the detriment of highway safety.

Representations

Three objections have been received concerning the following: -

- The number of houses being converted into HMOs and flats on the road, resulting a lower sense of community and ownership of the surrounding environment.
- Concerns regarding fly tipping and bins being left out. No bin storage space.
- The proposal would exacerbate parking issues on the congested road with no parking spaces and no way of limiting the additional cars as a result of the development.
- Parking issues during construction works.
- Over-development and not in-keeping with the nature of the Conservation Area.
- Impact on residential amenity including noise, general disturbance and anti-social behaviour.
- 'Shoehorning' so many people into the property. No living space provided alongside very small bedrooms resulting in a poor living environment and mental health.
- No sound proofing included despite the significant change in how parts of the property would be used (especially important given the lack of living space).
- Views of long term are seemingly ignored.
- Work has started prior to approval.

Consideration

Principle of development

Paragraph 11 contains a presumption in favour of sustainable development. For decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in the NPPF taken as a whole (the 'titled balance'). Leicester city Council does not currently have a 5-year housing land supply therefore the policies most important for determining the application including relating to housing are out of date.

Paragraph 59 places an emphasis on the importance of the needs of groups with specific housing requirements being addressed. Paragraph 61 states within this context that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies including, but not limited to, those who require families with children and students.

The site is located within the 'Inner Area' of Leicester in accordance with Diagram 9 of the Core Strategy (2014). Core Strategy policy CS08 *Existing Neighbourhoods* states that houses in multiple occupation will not be permitted within the inner area where they would result in a harmful overconcentration.

An Article 4 Direction, which was introduced in August 2014, restricting permitted development for a change of use from a dwellinghouse (Class C3) to a house in multiple occupation for up to six people (Class C4) is approximately 160 metres from the site, at the corner of Fosse Road North and Hinckley Road. The Article 4 Direction was informed by council tax exemption evidence that there was a concentration of houses in multiple occupation in this area.

There is an evidence base of HMO licenses, council tax records and council tax exemptions for students indicating that there is also a concentration of properties in multiple occupancy surrounding the application site. This evidence would exclude smaller non-student HMOs and so there could be more HMOs within the area than the evidence suggests.

Policy CS08 *Existing Neighbourhoods* also states with regards to the Inner Areas that *"it is the Council's priority to retain good quality existing housing for which there is a demand. In particular in Spinney Hills, Belgrave and other neighbourhoods where there is an identified demand, larger houses appropriate for family use should be retained, and conversion to other types of accommodation resisted."* The policy also states that *"We want our neighbourhoods to be sustainable places that people choose to live and work in and where everyday facilities are available to local people. To achieve this the following will apply: All new housing development should be in accordance with Policy CS6 - Housing Strategy"*.

Core Strategy policy CS06 *Housing Strategy* states that the *"City Council will continue to work with its partners to ensure the delivery of sustainable communities to meet both current and future needs of the population as identified by the Strategic Housing Market Assessment"* (SHMA) [as updated by the new *Leicester & Leicestershire*

Housing and Economic Development Needs Assessment (HEDNA) 2017] and that new “housing developments will be required to provide an appropriate mix of housing types, sizes and tenures to meet the needs of existing and future households in the City, in particular, larger family housing (at least 4+ bedrooms) as identified by the SHMA” [as updated by HEDNA 2017]. Table 55 of the HEDNA recommends a higher mix of 4+ bedroom market housing than one bedroom market housing.

A demographic imbalance can lead to increased demand and pressure on some services (e.g. open space) and decreased demand in other services (e.g. schools). The further loss of a larger dwellinghouse suitable for a single household/family for which there is an identified demand and its replacement with a further shared house would exacerbate the harmful concentration and demographic imbalance in the surrounding area contrary to the aims of Core Strategy policies CS06 and CS08 and NPPF paragraphs 59 and 92. I therefore consider the proposal to be unacceptable in principle.

Design and Heritage Assets

Policy CS06 also states that *“We propose the following measures to ensure that new housing meets the needs of City residents:... New housing should be provided in accordance with the sustainable development and design principles set out in CS Policies 2 and 3 in order to protect residential amenity and provide quality development”*.

Policy CS03 *Designing Quality Places* states that *“Good quality design is central to the creation of attractive, successful and sustainable places. We expect high quality, well designed developments that contribute positively to the character and appearance of the local...built environment. Development must respond positively to the surroundings, be appropriate to the local setting and context”* and *“promote... an uncluttered street scene”*. Saved policy PS10 *Residential Amenity* of The City of Leicester Local Plan (2006) states that *“In determining planning applications, the following factors concerning the amenity of existing or proposed residents will be taken into account: b) the visual quality of the area including potential litter problems”*. The site is located within the ‘Outer Area’ of the *Residential Amenity SPD* within which key considerations include visual quality and *“any proposed development should relate well to the existing urban context.”*

Policy CS08 states with regards to the Inner Area that *“In areas of high architectural quality or significant local distinctiveness (particularly Conservation Areas), the Council will seek to ensure that the distinctive characteristics of existing properties are retained and that any new development is sympathetic to its specific location.”*

Core Strategy policy CS18 *Historic Environment* states that *“The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets. We will support the sensitive reuse of high quality historic buildings and spaces, promote the integration of heritage assets and new development to create attractive spaces and places... and the protection and where appropriate, enhancement of historic public realm”* and that *“The Council will pro-actively engage with local communities to protect and enhance the quality and diversity of Leicester’s historic environment, in particular through the*

production of Conservation Area Character Appraisals incorporating management strategies, other development plan documents and guidance notes.”

The West End Conservation Area Character Appraisal (2015) notes that *“By the 1980s many properties in the conservation area, like other large houses in and around the inner city, had been converted into bed-sits, hostels and other forms of multiple occupation. Recognising that such accommodation was often of very poor quality it became Council policy to secure, as far as possible, improvements to this kind of housing. The Daneshill Housing Improvement Zone, declared in 1989/90, formed part of that programme, one of the aims of which was to encourage the replacement of small non-self contained units to larger self-contained flats. A general presumption in favour of the conversion of large houses into flats or other forms of shared use remained but the special architectural and historic qualities of the houses in Daneshill Road and Stretton Road were recognised and they were therefore specifically excluded from that policy of presumption.”* It also goes on to note that *“The character of the Daneshill area is markedly different from the rest of the conservation area in scale and design but it maintains the same terraced form of development. Comprising mainly large three storey ‘attached’ villas, the buildings are more grandiose than the rest of the houses in the conservation area and contribute significantly to the character of the area. The houses are built in a wide range of styles, with many ornate decorative features on their red, gault and polychrome brickwork façades.”*

The removal of the outbuilding has not harmed the character and appearance of the Conservation Area.

There is a shared alleyway with 22 Daneshill Road, which can be feasibly used for the transport of waste bins to the bin storage area in the rear yard. No details of waste collection have been provided, and so there is an assumption that waste will be collected in the usual manner from the front of the site on the highway. Whilst a bin storage area would be provided to the rear, there can be no assumption that such a waste storage area would be used by future residents and no waste management plan has been submitted with the application. The front garden of the site has been paved over and so could be feasibly used for the storage/collection of waste. The additional bedrooms of the proposed house in multiple occupation would likely increase the requirement for waste storage and collection, which would likely be stored and/or collected to the front of the site to the detriment of the character and appearance of the surrounding Conservation Area.

Shared houses are also likely to have less sense of ownership than non-shared housing, leading to likely poorer management of the site and resulting in likely detriment to the character and appearance of the Conservation Area.

Whilst the harm to the Conservation Area would be less than substantial, such harm would not be outweighed by the limited benefit of the proposal in providing alternative type and size of accommodation for single households. It is not considered that the proposal is required to secure the future conservation or optimum viable use of the site.

I conclude that the proposal would not comply with policies CS03 and CS18 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan

(2006) and is not acceptable in terms of the character and appearance of the area. The proposal would not comply with NPPF paragraphs 122, 124, 127, 130, 192, 193, 194 and 196

Living conditions (*The proposal*)

The floor spaces of the bedrooms are satisfactory, on the whole utilising the floor spaces of the existing dwellinghouse. The smaller bedrooms 5 and 8 with no en-suite would alternatively have access to two shower rooms. The other six larger bedroom would have an en-suite. All principal rooms will have access to light and outlook. Whilst the only window of bedroom 2 would be located immediately adjacent to the shared amenity space to the detriment of its privacy, this is compensated by the closer access to the living spaces and the shared amenity space. The shared amenity space, with the outbuilding removed, is of a satisfactory size at approximately 66 square metres in addition to the front yard area. Overall the living space provided would be 37 square metres in addition to the utility room and communal toilet, which again is satisfactory with reference to the HMO regulations also. Access to the house will be via the existing front door which benefits from natural; surveillance for safety and security. I therefore consider the living conditions proposed to be acceptable.

Residential amenity (*neighbouring properties*)

Policy CS03 states that to achieve in designing quality places, “*new development should promote... the need to improve the quality of life of the City’s residents*”. Saved policy PS10 *Residential Amenity* of The City of Leicester Local Plan (2006) states how in determining planning applications a number of factors concerning the amenity of existing or proposed residents will be taken into account, including noise pollution (individually or cumulatively) caused by the development and its use, the visual quality of the area including potential litter problems, safety and security and the ability of the area to assimilate development. The site is located within the ‘Outer Area’ of the Residential Amenity SPD within which key consideration includes safety/security and visual quality.

Located to the rear of the site are the rear gardens of the residential properties at 25-29 Stretton Road. There will be no loss of light or outlook to neighbouring residential amenity, nor any significant loss of privacy given that no external alterations to the host house are proposed.

Issues can arise from an overconcentration of shared housing within a particular area. The lack of management arrangements, potential increased levels of burglary and crime, increased demand and pressure on some services (e.g. open space), decreased demand in other services (e.g. schools) and potential late-night noise and environmental nuisance are particular issues. The proposal would also likely increase general disturbance from likely additional residents and visual clutter from increased waste storage and collection at the front of the site to the significant detriment of residential amenity in the Primarily Residential Area.

I conclude that the proposal would not comply with policy CS03 of the Core Strategy (2014) and would conflict with saved policy PS10 of the Local Plan (2006) and is unacceptable in terms of the amenity of the neighbouring occupiers. The proposal is also in conflict with NPPF paragraphs 92, 122, 124, 127 and 130.

Highways and Parking

Policy PS10 states that *“in determining planning applications, the following factors concerning the amenity of existing or proposed residents will be taken into account: ... c) additional parking and vehicle manoeuvring”*. The site is located within the ‘Outer Area’ of the Residential Amenity SPD within which key considerations include parking provision.

The Planning Statement states that the tenants/De-Montfort University students that would occupy the house are unlikely to own their own transport and there are extremely good links into the city centre/university. It cannot be assumed that more residents would result in more vehicle demand and parking requirements. There are no vehicle parking standards for houses in multiple occupation.

The site is within a sustainable location within walking distance of the city centre and near the A47 which provides good public transport links. The site is located within 250m of the Narborough Road/Hinckley Road District Shopping Centre and the Fosse Park South Local Shopping Centre. A bike store for 4-8 bikes is proposed. If permission were to be granted a condition could be recommended for the provision of eight bike storage spaces which would accord with the cycle parking standards of Appendix 01 of The City of Leicester Local Plan (2006).

I therefore consider that the lack of vehicle parking provision is acceptable. I conclude that the proposal would comply with policy CS15 of the Core Strategy (2014) and with saved policies AM02 and AM12 of the Local Plan (2006) and is acceptable in terms of parking and highways, subject to condition if approval were to be granted.

Drainage

The site is within a Critical Drainage Area. I consider that a requirement for a scheme of sustainable drainage would be onerous and that the impact of the proposal in terms of increased surface water run-off is unlikely to be significant. I conclude that the proposal would not conflict with Policy CS02 of the Core Strategy (2014) and is acceptable in terms of sustainable drainage.

Other matters

An objector has raised other concern about parking issues during construction works. However, given the relatively modest scale of the proposed development, I do not consider that the parking impacts during construction are likely to be so significant as to warrant control through the planning process.

Conclusion

Whilst the proposal would provide an alternative type and size of accommodation for single households which in the context of the current housing land supply position in the city would be of some benefit, this benefit of the proposal is considered to be limited and even when applying the ‘tilted balance’ would be significantly and demonstrably outweighed when assessed against policies in the NPPF taken as a whole, as well as local policies. The proposal conflicts with NPPF policies with regards to paragraphs 59, 92, 122, 124, 127, 130, 192, 193, 194 and 196.

The proposal would involve the loss of a needed larger dwellinghouse suitable for family accommodation within an area that already has a high provision of HMOs/non-family housing, contributing the harmful concentration of shared housing within this inner area of the city. The proposal would cause significant detriment to the residential amenity of the surrounding area by reason of noise/general disturbance, waste storage and the impacts of a harmful concentration of houses in multiple occupation. The proposal conflicts with Core Strategy policies CS03, CS06, CS08 and CS18, saved policies PS10 and PS11 of The City of Leicester Local Plan (2006) and the Residential Amenity SPD (2008) and fails to preserve or enhance the character of the conservation area.

The balance is therefore tilted favourably for refusal. I recommend REFUSAL for the following reasons:

REASONS FOR REFUSAL

1. The proposal is not acceptable as it will result in the loss of a dwellinghouse suitable for family accommodation for which there is an identified demand and will exacerbate the concentration of shared housing in an area already identified as having a harmful concentration of such uses. As such it will exacerbate the demographic imbalance, significantly harming the amenity of the existing residents in the area contrary to the Residential Amenity SPD (2008), saved policies PS10 and PS11 of the City of Leicester Local Plan (2006), Core Strategy (2014) policies CS03, CS06 and CS08 and paragraphs 59, 92, 122, 124, 127 and 130 of the National Planning Policy Framework (2019).
2. The proposal would harm the character and appearance of the Conservation Area by reason of increased waste storage/collection and noise/general disturbance, lack of management arrangements and sense of ownership of the application site, potential increased levels of burglary and crime, increased demand and pressure on some services and decreased demand in other services. The proposal is therefore contrary to Core Strategy (2014) policies CS03 and CS18 and paragraphs 122, 192, 193, 194 and 196 of the National Planning Policy Framework (2019).

NOTES FOR APPLICANT

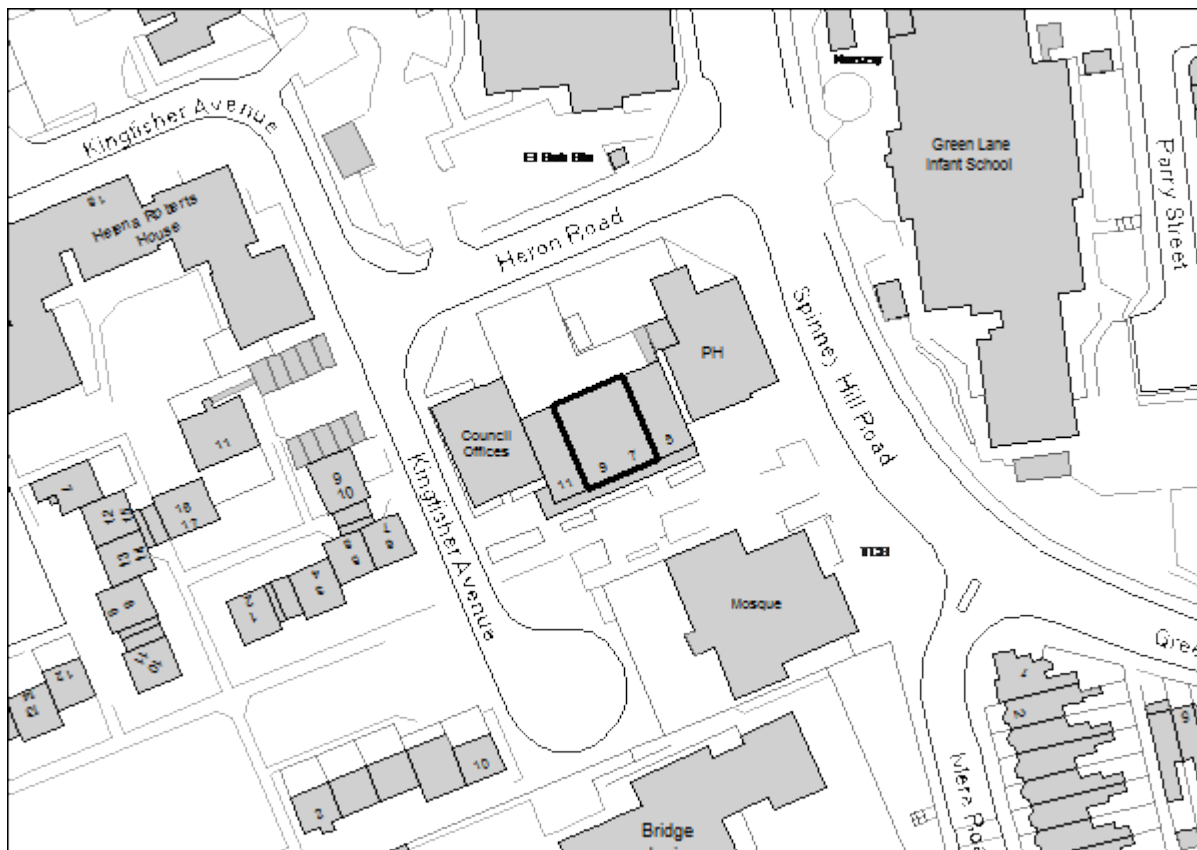
1. The City Council engages with all applicants in a positive and proactive way through specific pre-application enquiries and the detailed advice available on the Council's website. On this particular application advice was given during the application process. Notwithstanding that advice the City Council has determined this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received. As the proposal was clearly unacceptable and could not be reasonably amended it was considered that further discussions would be unnecessary and costly for all parties.

Policies relating to this recommendation

- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2006_AM12 Levels of car parking for residential development will be determined in accordance with the standards in Appendix 01.
- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2014_CS02 Development must mitigate and adapt to climate change and reduce greenhouse gas emissions. The policy sets out principles which provide the climate change policy context for the City.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2014_CS06 The policy sets out measures to ensure that the overall housing requirements for the City can be met; and to ensure that new housing meets the needs of City residents.
- 2014_CS08 Neighbourhoods should be sustainable places that people choose to live and work in and where everyday facilities are available to local people. The policy sets out requirements for various neighbourhood areas in the City.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2014_CS15 To meet the key aim of reducing Leicester's contribution to climate change, the policy sets out measures to help manage congestion on the City roads.
- 2014_CS18 The Council will protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Appendix A3

Recommendation: Conditional approval	
20191267	7-9 CHARNWOOD WALK
Proposal:	CHANGE OF USE FROM SHOP (CLASS A1) TO RESTAURANT AND CAFE (CLASS A3) AND HOT FOOD TAKEAWAY (CLASS A5), INSTALLATION OF FLUE AT REAR; INTERNAL ALTERATIONS
Applicant:	MR F DIAS
View application and responses:	https://planning.leicester.gov.uk/Planning/Display/20191267
Expiry Date:	25 October 2019
SSB	WARD: North Evington



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Summary

- Before Committee because objections have been received from more than 5 addresses.
- 13 objections and a petition with 20 signatures received raising concerns about residential amenity, character of area, concentration of food establishments and parking.
- The main issues are the principle of use and amenity.
- Recommended for approval.

The Site

The application relates to a single storey building operating as a shop within a primarily residential area. It is located close to the Green Lane Road Local Shopping Centre.

The other buildings within this small parade comprise shops, a mosque, housing office and The Charny Public House. Some on street parking is available close to the site on Heron Road and Charnwood Walk.

Background

19981386 Change of use of shop (Class A1) to financial services (Class A2) approved but not implemented.

The Proposal

Planning permission is sought for a change of use of the ground floor shop to a restaurant/cafe and a take-away (Classes A3\A5) with the opening hours of 0900 to 2300 daily. The application states that the proposal would provide employment for 6 staff.

The extractor flue would terminate 1m high above the existing flat roof. Waste bins are proposed to be stored at the rear of the building.

There is no provision for off-street parking.

Policy Considerations

NPPF

Paragraphs 2 and 11(Presumption in favour of Sustainable Development)

Paragraphs 108 and 109 Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Development Plan policies

Development plan policies relevant to this application are listed at the end of this report.

Supplementary Planning Documents (SPD)

Residential Amenity SPD

Appendix 01 – City of Leicester Local Plan

Consultations

Noise and Pollution Team: Raise potential concerns relating to noise and odour pollution but consider that these could be mitigated by the attachment of conditions that would deal with noise, hours of use and installation of the flue and its maintenance.

Representations

13 objections and a petition with 20 signatures have been received raising the following issue: -

- Residents not notified (*site notices displayed and letters were sent to neighbours*)

- Impact on residential amenity and general amenity in terms of noise, disturbance, litter and odours.
- Anti-social behaviour from existing uses
- Impact on character of the local centre due to rodents and litter.
- The pub already serves food (*competition not a material planning consideration*).
- Drug use in the locality (*not a material planning consideration*).
- Lack of adequate parking and traffic issues and
- Concentration of food outlets.

Consideration

The site is not in a defined local shopping centre and is already in a retail use and within a small parade of buildings providing local facilities. I therefore consider the use acceptable in principle.

Residential Amenity (neighbouring properties)

Policy CS03 of the Leicester Core Strategy (2014) states that development must respond positively to the surroundings and be appropriate to the local setting and context. Saved Policy PS10 of the Local Plan (2006) includes noise, smell, air pollution, the visual quality of the area including potential litter problems as amenity factors that will be considered when determining planning applications.

Saved Policy PS11 states that proposals with potential to pollute by reason of noise, dust, vibration and smell will not be permitted unless the health and amenity of neighbours and the wider environment can be assured.

Saved Policy R05 states that food and drink use within the shopping centres shown on the proposals map will be permitted except where there would be harm (individually or cumulatively with other Class A3, A4 and A5 uses) to amenity, the applicant has demonstrated that a satisfactory ventilation flue can be provided. Pollution Control raise no objection to the proposal in this respect.

The proposed use could give rise to levels of noise with the general comings and goings of customers to and from the premises particularly late at night. I accept that such impacts of the proposed use may be greater at more sensitive times (evenings and weekends) than the current retail use, but not significantly.

The current application includes the provision of a flue ventilation system for the restaurant use. Having regard to the observations of the Council's Noise and Pollution Control team, I am satisfied that the proposed flue is acceptable and the general disturbance to residents is likely to be minimal. However, I consider it reasonable and necessary to attach a condition to control the installation and maintenance of the flue on the site. This is to protect the amenity of nearby residents in terms of noise and odours.

I therefore consider it reasonable and necessary to control the hours of use (in terms of use by customers) via a condition of planning permission. Given the site is close to the local shopping centre and to be consistent with other sites, a condition restricting the hours of 07:30-23.00 (daily) is appropriate. Staff activity outside of the controlled hours would, I consider, not give rise to unacceptable impacts.

I do not consider that the proposed use as a restaurant/cafe and take-away is likely to pose an unacceptable risk of litter from customers. No details of bins for use by customers have been provided and therefore recommend a condition to secure this.

There is adequate space within the rear yard for bin storage to take place and I consider it reasonable and necessary, in the interests of residential amenity, to secure details of bin storage as a condition of planning permission.

I conclude that proposal would comply with Policy CS03 of the Leicester Core Strategy (2014) and saved Policies PS10, PS11 and R05 of the Local Plan (2006) and is acceptable in terms of residential amenity.

Character and Appearance

Policy CS03 of the Leicester Core Strategy (2014) states that good quality design is central to the creation of attractive, successful and sustainable places, and that high quality, well designed developments that contribute positively to the character and appearance of the built environment are expected. It goes on to require new development to meet the highest standards of accessibility and inclusion.

Saved Policy PS10 of the Local Plan (2006) states that the ability of the area to assimilate development in terms of amenity factors will be considered when determining planning applications. Saved Policy R03 states that retail development within existing centres will be required to demonstrate that the scale and design is sympathetic to the character of the area (amongst other criteria). Saved Policy R05 states that food and drink uses within the shopping centres shown on the proposals map will be permitted except where a shop front is not retained (amongst other criteria).

The proposal is for a change of use with no physical alterations to the shop front. As such I consider the development would not alter the appearance of the building within the local parade. The proposal includes the installation of a flue the impact of which is minimal as it projects only 1m above the roof of the premises, the visual impact of is acceptable in terms of character and appearance.

I consider the proposed development would not give rise to any unreasonable impacts in terms of the character of the local area. I consider the proposal would accord with Core Strategy policy CS03 and policies R05 and PS10 of the City of Leicester Local Plan.

Access, Parking and Highway Safety

Policy CS14 of the Leicester Core Strategy (2014) states that development should be accessible to all future users, including those with limited mobility, and should be accessible by alternative means of travel to the car.

Saved Policy AM01 of the Local Plan (2006) states that planning permission for development will only be granted where the needs of pedestrians and people with disabilities have been successfully incorporated into the design. Saved Policy AM02 states that planning permission will only be granted where the needs of cyclists have been successfully incorporated into the design. Saved Policy AM11 gives effect to published car parking standards for non-residential development. However, I consider requiring cycle parking at the premises would be impractical as there is adequate space for the parking of cycles to the frontage which is already pedestrianised.

Saved Policy R05 states that food and drink uses within the shopping centres shown on the proposals map will be permitted except where there would be parking and traffic problems (individually or cumulatively with other Class A3, A4 and A5 uses) (amongst other criteria).

Appendix 01 of the Local Plan (2006) sets out guideline maximum standards for car parking. For restaurants outside of the central commercial zone, Appendix 1 calls for 2 car parking spaces where the floorspace would be up to 100 square metres.

In common with most other business properties within this parade, the application property has no off-street car parking and consequently the proposal would rely on existing on-street spaces. Based on the current use of the ground floor as retail shop a standard maximum requirement is that 2 car parking spaces would be required. This proposal also generates a requirement for 2 car parking spaces. As such having regards to the existing and proposed requirements, I consider the proposal would not lead to an unacceptable increase in demand for on-street car parking, nor any significant level of highway harm.

Deliveries and servicing would also need to take place in the same manner as existing (public highway), as is the case for most other businesses. I do not consider that the continuation of this arrangement in respect would be unacceptable.

I conclude that proposal would comply with Policy CS14 of the Leicester Core Strategy (2014) and saved Policies AM01, AM02, AM11 and R05 of the Local Plan (2006), and is acceptable in terms of access, parking and highway safety.

Representations

There are other agencies that would deal with issues relating to drug taking together with anti-social behaviour from users of the existing uses.

Conclusion

The proposal is acceptable in principle as it would not detract from the vitality and viability of Green Lane Road shopping area. The proposed use is far enough away from residential properties so as not to have a substantially negative impact upon their amenity. There would be no unreasonable impact upon residential amenity, the character and appearance of the area, nor in terms of access and parking.

I recommend APPROVAL subject to the following conditions:

CONDITIONS

1. START WITHIN THREE YEARS
2. VENTILATION SYSTEM INSTALLED AND MAINTAINED - APPROVED DETAILS
3. No part of the development shall be occupied until details of arrangements for storage of bins and collection of waste have been submitted to and approved by the City Council as local planning authority. These arrangements shall be maintained thereafter. (In the interests of the amenities of the surrounding area, and in accordance with policies H07 and PS10 of the City of Leicester Local Plan and Core Strategy policy CS3.)

4. Before the use is begun, a litter bin/s shall be provided on the forecourt to the property in accordance with details which shall first have been submitted to and approved by the City Council as local planning authority and shall be retained. (In the interests of general amenity, and in accordance with policy PS10 of the City of Leicester Local Plan. To ensure that the details are agreed in time to be incorporated into the development, this is a PRE-COMMENCEMENT condition).
5. The use shall not be carried on outside the hours of 07.30-23.00 daily. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
6. No equipment/machinery shall be installed or operated nor shall any processes be undertaken which are detrimental to the amenity of the area by reason of noise, vibration, smell, fumes and smoke. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
7. There shall be no live or amplified music or voice played which would be detrimental to the amenities of occupiers of nearby properties. (In the interests of the amenities of nearby occupiers, and in accordance with policy PS10 of the City of Leicester Local Plan.)
8. This consent shall relate solely to the plans received by the City Council as local planning authority on 4/7/2019. (For the avoidance of doubt.)

NOTES FOR APPLICANT

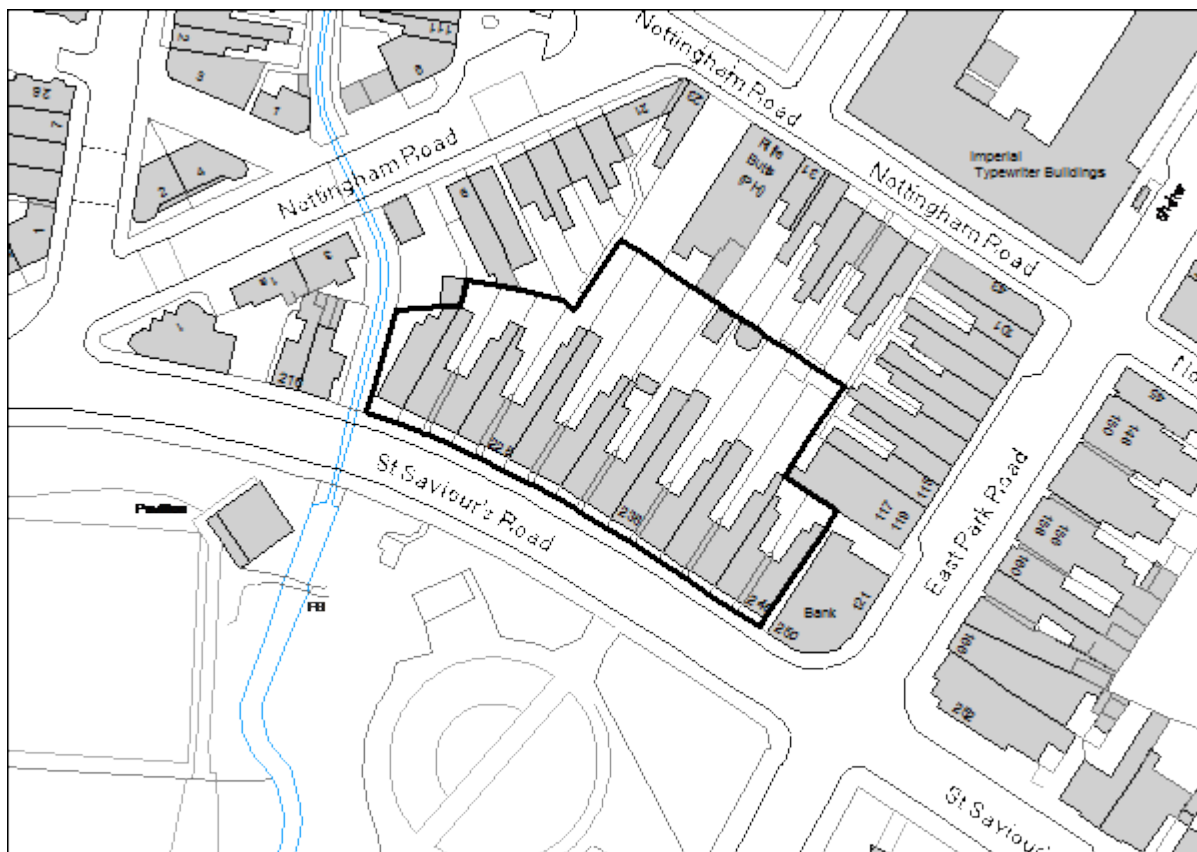
1. The City Council, as local planning authority has acted positively and proactively in determining this application by assessing the proposal against all material planning considerations, including planning policies and representations that may have been received and subsequently determining to grant planning permission with appropriate conditions taking account of those material considerations in accordance with the presumption in favour of sustainable development as set out in the NPPF 2019.

Policies relating to this recommendation

- 2006_PS10 Criteria will be used to assess planning applications which concern the amenity of existing or proposed residents.
- 2014_CS03 The Council will require high quality, well designed developments that contribute positively to the character and appearance of the local natural and built environment. The policy sets out design objectives for urban form, connections and access, public spaces, the historic environment, and 'Building for Life'.
- 2006_AM11 Proposals for parking provision for non-residential development should not exceed the maximum standards specified in Appendix 01.

- 2006_PS11 Control over proposals which have the potential to pollute, and over proposals which are sensitive to pollution near existing polluting uses; support for alternative fuels etc.
- 2006_R05 Proposals for the use of premises within existing shopping centres for food and drink purposes (Use Classes A3, A4 and A5) will be permitted subject to criteria.
- 2014_CS14 The Council will seek to ensure that new development is easily accessible to all future users including by alternative means of travel to the car; and will aim to develop and maintain a Transport Network that will maximise accessibility, manage congestion and air quality, and accommodate the impacts of new development.
- 2006_AM01 Planning permission will only be granted where the needs of pedestrians and people with disabilities are incorporated into the design and routes are as direct as possible to key destinations.
- 2006_AM02 Planning permission will only be granted where the needs of cyclists have been incorporated into the design and new or improved cycling routes should link directly and safely to key destinations.
- 2014_CS11 The Council supports a hierarchy of retail centres in Leicester. The policy sets out measures to protect and enhance retail centres as the most sustainable location for retail development.
- 2006_R03 Retail development outside the Central Shopping Core will be confined to the existing and proposed shopping centres.

PLANNING INSPECTORATE APPEAL DECISIONS	
20198016A 20160656	220-248 ST SAVIOURS ROAD
Proposal:	REPLACEMENT DOORS AND WINDOWS AT FRONT; BOUNDARY GATES AND WALLS AT FRONT OF HOUSES (CLASS C3)
Appellant:	MR FAHAD RANGILA
Appeal type:	Planning Appeal
Appeal received:	23 April 2019
Appeal decision:	Dismissed
Appeal dec date:	1 October 2019
TB	WARD: North Evington



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Summary

- The appeal related to a row of three storey terraced houses located within the Spinney Hill Park Conservation Area, and subject to an Article 4 Direction removing permitted development for alterations to dwellinghouses.
- The application was approved under delegated powers in June 2016 subject to conditions, two of which are the subject of this appeal.
- The appeal was dismissed.

The Proposal and Decision

The proposal included the replacement of the existing ground floor bay windows and first floor windows, to the front of the houses, with matching timber double-glazed sliding sash windows. No works were proposed to the front dormer windows on the second floors.

The application was approved with conditions. The following conditions were objected to by the appellant: -

- Condition 2. Before the development is begun, horizontal & vertical cross-section drawings at 1:5 or 1:10 scale showing the joinery details of the proposed replacement doors and windows shall be submitted to and approved by the City Council as local planning authority. (In the interests of visual amenity, and in accordance with Core Strategy policy CS3.)
- Condition 4. This consent shall relate solely to the submitted plans received by the City Council as local planning authority on 31/03/2016, unless otherwise submitted to and approved by the City Council as local planning authority. (For the avoidance of doubt.)

The approved plan of condition 4 referred to bespoke windows and doors made from European softwood with double glazing fitted. The appellant sought to remove or vary conditions 2 and 4 to allow for the UPVC replacement windows, as opposed to timber replacement.

The Appeal Decision

The appeal was dismissed.

Commentary

The Inspector notes that the main issue of the appeal was whether conditions 2 and 4 are reasonable and necessary to preserve or enhance the character or appearance of the Conservation Area.

The Inspector stated with regards to the application site that the uniformity of materials and features creates a striking and attractive frontage which enhances the Conservation Area. Details of the first-floor UPVC window submitted by the appellant showed the top window as being smaller than the lower window within the window frame, which would contrast with the existing windows where the proportions are similar between top and bottom. The differences in design with existing houses would mean that unless all the houses proceed with any change, the symmetrical appearance of the terrace would be lost. It would not be possible, in any event, with any grant of planning permission to ensure that all the houses that are in different ownerships would carry out the proposed changes.

The Inspector also notes that the whilst UPVC window design has improved over the years, the technical finish is still different to wood. There was limited evidence submitted by the appellant as to how the finish of the UPVC windows would compare to the existing wooden windows, and a mix of designs and materials would fail to preserve or enhance the character of the Conservation Area. The harm caused to the significance of the Conservation Area would not be outweighed by sufficient public benefit, such as better insulation and energy efficiency.

The Inspector therefore concluded that, based upon the limited information submitted to allow for UPVC windows, that conditions 2 and 4 remain reasonable

and necessary to preserve or enhance the character and appearance of the Conservation Area. The proposal was therefore considered to be contrary to NPPF paragraphs 192 and 196.

